

Navy Region III REC Update September, 2001 COMNAVREG MIDLANT Norfolk



The REC Update presents monthly highlights of environmental news and activities relevant to DOD environmental management in Region III. New legislation, emerging state regulations, program developments, outcomes of litigation, and announcements of conferences and training events will be covered. To submit information for inclusion in the REC Update, contact Lisa Billow, 757-444-3009, ext. 371, e-mail billowl@pwcnorva.navy.mil. The REC Update is posted on DENIX. It is in News and Publications, listed under the NAVY heading of Proprietary Publications on the DOD page. The URL is <http://www.denix.osd.mil/denix/DOD/News/Navy/REC/rec-update.html>. You will need a DENIX account to access this page. To obtain a DENIX account, go to the DENIX Home Page at <http://www.denix.osd.mil>.

To subscribe to the newsletter, through Microsoft ListBot service go to Region III REC Update subscription page at <http://recupdate.listbot.com/cgi-bin/subscriber>.

What is the DOD Regional Environmental Coordinator?

DODINST 4715.2 defines the role of the DOD Regional Environmental Coordinator (REC) and defines its responsibilities. The RECs are to:

- monitor and coordinate consistent interpretation and application of DOD environmental policies within its region.
- monitor Federal, state, and local environmental issues, legislative, regulatory, and enforcement issues
- coordinate with the component RECs to articulate DOD positions on proposed regional, state and local issues.

Some examples of situations possibly needing REC involvement: first time permits, negotiating new permit requirements, new environmental legislation/regulations, developing state/regional emission budgets, etc. Our readers can assist the REC in its mission, by contacting us at 757-444-3009 ext. 369 when issues arise at your facility that may potentially impact more than just your facility.

REC STAFF REORGANIZATION

The Regional Environmental Coordinator now reports to Commander Navy Region Mid-Atlantic (CNRMA) Chief of Staff. Steve Olson and staff (Will Bullard, Chris Porter, Glenn Markwith, Francine Blend, and Lisa Billow) will remain at the same address and phone number (757-444-3009) at the Navy Public Works Center.

The Region III Navy On-Scene Coordinator (NOSC) has joined CNRMA's Regional Operations and Plans Department to be part of CNRMA's Incident Command Structure for all disaster response, including oil spills. Maureen Connors address is Commander Navy Region Mid-Atlantic, Operations/ Plans Department, 6506 Hampton Blvd., Norfolk, VA 23508-1273. Contact her at: 757-322-3064 or email meconnors@cmar.navy.mil.

The NEPA Coordinator, Francine Blend, spends half her time with the Regional Engineers Facilities Department and half her time with the CNRMA REC office. She can be reached at 757-322-3016 or 757-444-3009 extension 387. Email address will remain the same for both locations.

FEDERAL LEGISLATIVE AND REGULATORY NEWS

Effective Date for TMDL Rule Extended to Allow Revisions

The Environmental Protection Agency filed a proposal in federal appeals court July 16 to stay for 18 months the litigation over the July 2000 Clean Water Act rule to revise the impaired waters program. The EPA is also proposing to extend by 18 months the effective date of the final rule revising the total maximum daily loads program. The rule was to have taken effect in October. The Agency took this action in light of the study completed in June by the National Academy of Sciences (NAS), and to allow it time reconvene with a range of groups and gather ideas about what changes need to be made to the program.

About a dozen interest groups representing farmers, environmental advocates, industry, and others sued EPA over various components of the TMDL rule (American Farm Bureau Federation v. Whitman, D.C. Cir., No. 00-1320 and consolidated cases, 7/18/00).

Agriculture and forestry groups were concerned that the July 2000 rule would require Clean Water Act permits for certain nonpoint sources of pollution.

The Association of Metropolitan Sewerage Agencies issued a "white paper" stating that the program will never be effective if it does not also address nonpoint sources, such as agricultural and urban runoff. The AMSA white paper said a revised TMDL program also needs to include provisions calling on states to review and revise as needed their designated uses and water quality criteria "to ensure the foundation of the TMDL program is on solid ground."

EPA has released a draft report to Congress on the estimated costs of the TMDL program to States and to the regulated community. Total costs to develop TMDLs are estimated to be in the range of \$65 to \$74 million in 2002, rising to about \$92-107 million annually in 2005 through 2015. The estimated cost to pollutant sources to implement the TMDL program range from \$900 million to \$4.3 billion per year.

Update on Sector Facility Indexing Project (SFIP) from EPA's Office of Compliance

In response to stakeholder interest, EPA has expanded the SFIP to include a subset of federal facilities. This information and a refresh of data concerning the five initial sectors included within the project is publicly available on the project's website (<http://www.epa.gov/oeca/sfi>). This expansion enables communities to obtain important compliance and enforcement information about local federal facilities, who are thus encouraged to become more accountable.

The new federal facility subset, which joins approximately 625 facilities profiled in SFIP, includes those considered "major" under at least two of the three following statutes: the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act.

As a community-right-to-know project, SFIP is a computerized database of environmental information providing the public with facility-level compliance data in one location on the Internet. SFIP includes such information as: a facility's compliance and enforcement history; pollutant releases and spills; and demographics of the surrounding community.

Prior to expanding the project, EPA consulted with various groups, including environmental organizations, industry trade associations, several States, and the Environmental Council of the States (ECOS). As with the initial release of SFIP, Regions, States and the affected facilities were given the opportunity to review the data and resolve any data quality issues, thereby continuing to ensure that EPA maintain the public's confidence in the integrity of the data. The expansion to federal facilities has been viewed as a positive step in providing the public with additional information on the U.S. government's own environmental performance. Check out the SFIP website and the new federal facility subset at <http://www.epa.gov/oeca/sfi>.

STATE NEWS

Virginia

VA State Water Control Board announced in the Virginia Register Vol. 17, Issue 22, 7/16/01 final 9 VAC 25-660-10 et seq. requirements for a Virginia Water Protection General Permit for wetland impacts of less than 0.5 acres effective October 1, 2001.

State Air Pollution Control Board announced in the Virginia Register Vol. 17 Issue 20 6/18/01 the final Regulations for the Control and Abatement of Air Pollution (Rev. K97). 9 VAC 5-80-10 et seq. Permits for Stationary Sources (amending 9 VAC 5-80-310 through 9 VAC 5-80-350; repealing 9 VAC 5-80-355) effective Date: July 18, 2001. Article 2 of 9 VAC 5 Chapter 80 establishes requirements for the payment of fees for Title V permits.

State Water Control Board, Air Pollution Control Board and Waste Management Board announced in Virginia Register Vol. 17, Issue 16, 4/23/01 final 9 VAC 5-210-10 et seq. Regulation for Dispute Resolution. 9 VAC 20-15-10 et seq. Regulation for Dispute Resolution. 9 VAC 25-15-10 et seq. Regulation for Dispute Resolution effective: July 1, 2001. The regulations encourage the fair, expeditious, voluntary, consensual resolution of disputes by providing an alternative to administrative hearings and litigation. The disputes eligible for referral to voluntary dispute resolution are those relating to the issuance of a permit or to the adoption of a regulation. The decision to employ dispute resolution is in the sole discretion of the boards, and the outcome of any dispute resolution procedure does not bind the boards but may be considered by the boards in issuing a permit or promulgating a regulation. The regulations contain provisions addressing situations appropriate for the use of dispute resolution, costs, date, time and place, attendance, confidentiality of proceedings, public participation, the use of neutral facilitators, and procedures for mediation.

Maryland

Maryland/transportation conformity Final Rule - July 5, Federal Register

The EPA announced in the July 5 Federal Register that the revised motor vehicle emissions budgets contained in Maryland's SIP Phase II ozone attainment plan for the Baltimore ozone nonattainment area are adequate for transportation conformity purposes. The action is effective July 20, 2001. Contact: Paul Wentworth; EPA Region III; (215-814-2183)

Maryland SIP

A supplemental notice of proposed rulemaking of the EPA would amend regulations under 40 CFR 52 to approve revisions to the Maryland SIP regarding the one-hour ozone attainment demonstration for the Baltimore and

Philadelphia-Wilmington-Trenton severe nonattainment areas. The revisions would set forth the enforceable commitments and motor vehicle emissions budgets that incorporate the benefits from the Tier 2/Sulfur-in-Fuel rule. This action reopens the comment period for and supplements earlier proposed rules (64 FR 70397, 70412; 12/16/99) that would amend regulations under 40 CFR 52 regarding the attainment demonstration for these areas. Comments are due Aug. 15, 2001. Contact: Christopher Cripps; EPA Region III; (215-814-2179)

The direct final rule of the EPA amends regulations under 40 CFR 52.1070 to approve revisions to the Maryland SIP. The revisions establish reasonably available control technology to control volatile organic compound emissions from organic chemical production. The rule is effective Sept. 18, 2001, if no adverse comments are received by Aug. 20, 2001. Contact: Rose Quinto; EPA; (215-814-2182).

Pennsylvania

Drinking Water

The PA Department of Environmental Protection adopted amendments to Chapter 109, Safe Drinking Water effective 7/21/01. The Interim Enhanced Surface Water Treatment Rule (IESWTR) incorporates federal requirements to control cryptosporidium and improves filtration to increase protection from pathogens. It applies to water systems serving populations of 10,000 or more. The Disinfectants And Disinfection Byproducts Rule also includes federal requirements intended to regulate treatment practices at public water systems to eliminate or minimize the health risks resulting from both disinfectants and disinfectant byproducts at certain levels.

Program Notes

New Web Site For "Navy Guidance for Conducting Human Health Risk Assessments"

There is a new web site available to remedial project managers and their team that provides information and guidance for implementing the Chief of Naval Operations (CNO) human health risk assessments (HHRAs) policy. The HHRA web site provides detailed information on how to conduct a HHRA as well as how to evaluate the effectiveness and potential implementation impacts of remedial alternatives. Topics covered on this web site include: 1) regulatory basis for HHRAs, 2) the HHRA process, 3) issue papers on HHRA- related topics, and 4) HHRA specific tools/analytical methods. There is also a case studies section, which presents examples of Navy HHRAs. Navy and other agency web sites identifying assessment and cleanup technologies can be found on a Technology Connection section. This web site has been developed and prepared by the Naval Facilities Engineering Command (NAVFAC). This site can also be accessed through the NFESC Environmental web page at <http://enviro.nfesc.navy.mil/erb/>.

CAA Title V Permits: What Are Fugitive Emissions And When Are They Important?

Activities are subject to the Title V permit program only if they constitute a "major source." A major source is any stationary source (or group of stationary sources that (1) are located on one or more contiguous or adjacent properties, (2) under common control of the same person (or persons under common control), and (3) belong to a single major industrial grouping) that exceeds specified thresholds. Often in determining the applicability of Title V, the key question is what emissions must be counted to determine if the threshold is exceeded. The CAA recognizes two kinds of emissions, direct emissions and fugitive emissions.

Fugitive emissions are those emissions that "could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening." See 40 CFR 70.2. When making a major source determination, the rules for counting fugitive emissions differ for different categories of major sources. In determining whether a source is major under section 112 of the CAA for Hazardous Air Pollutants (HAPS), fugitive emissions of HAPS must be counted along with direct HAPS emissions to determine if the 10 tons per year (tpy) or the 25 tpy threshold is exceeded. On the other hand, in determining whether a source is major under either section 302 or for purposes of a Part D nonattainment area major source determination, fugitive emissions are not counted unless they fall within one of the 27 categories identified by EPA, or unless EPA has otherwise promulgated a rule for that source category. To date, EPA has not completed any further fugitive emissions rulemakings. Twenty-six of the categories include sources like coal cleaning plants, Portland cement plants, zinc smelters, iron and steel mills, aluminum ore reduction plants, fuel conversion plants, large fossil fuel boilers, and large fossil fuel fired steam electric plants. The 27th category is a catchall that covers "[a]ll other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category."

For the six criteria pollutants, fugitive emissions must be counted in determining the applicability of the Title V permit program only under limited circumstances. This means that the determination as to whether the emissions are properly classified as "fugitive" or "non-fugitive" is critical. As stated above, fugitive emissions are those that could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. In guidance documents, EPA has clarified that, to the extent emissions that seem fugitive are actually collected, such as landfill gases, those emissions are not considered fugitive for purposes of the major source determination. If any other state or federal rule requires the "collection" of a criteria pollutant, that collected emission is no longer considered fugitive. Carrying this one step further, if the emissions are not actually collected at the site in question but could reasonably be collected (for example, collection technology is used for other similar sources), then EPA will determine that the emissions are not fugitive. One final caveat, as always, check for local or state rules that may require different treatment of fugitive emissions!

Wildlife Contaminant Exposure Model Software

EPA has released the Wildlife Contaminant Exposure Model - beta software designed to estimate wildlife exposure to substances through inhalation and through ingestion of food, water, and soil in North American environments. The software is suitable for any screening-level risk assessment exercise requiring an estimate of wildlife exposure to organic or inorganic compounds but can also support more detailed risk characterizations.

The software is supported by a database covering 23 birds, 15 mammals and 8 reptiles. The databases can be expanded to include user-entered data for current or new wildlife species. The software makes calculating exposure via the diet easier and more accurate by calculating energy requirements using allometric equations; calculating the energy content of food items; linking food energy content with measured dietary item intakes; and allowing for user adjustment of diet scenarios. It facilitates review by indicating values that have been adjusted by the user; providing references; and generating standard reports outlining assumptions and calculations. Full Text Document Location: <http://www.epa.gov/ncea/wcem/wcem.htm> >Forestry Best Management Practices in Watersheds

EPA's Watershed Academy has released a web-based training module, "Forestry Best Management Practices in Watersheds." This module discusses the steps commonly involved in planning and carrying out timber harvest and reforestation, and several of the basic ways to reduce or avoid impacts on water resources during these activities. Full Text Document Location: <http://www.epa.gov/watertrain/forestry/>

CONFERENCES/MEETINGS

2001 Department Of Defense Forestry Workshop September 10-13, Doolittle Hall (Association of Graduates), Air Force Academy, Colorado Springs, CO The workshop will provide training in the application of forestry techniques on military lands, and is an excellent opportunity for natural resource professionals to meet with their peers and discuss management challenges and solutions. The workshop will feature a variety of technical reports on forest ecosystem management, wildland fire management, and watershed management. Presentations will include testimonials of success stories from installation personnel and cooperating agencies (see workshop schedule for more details). A field trip will feature inter-agency cooperative ecosystem management on the Front Range of Colorado. Additionally, attendance at the workshop qualifies for continuing education credits for maintaining Certified Forester credentials through the Society of American Foresters. http://www.universetechnologies.com/forestry_conference/index.html

Environmental Innovations Summit 2001 September 10-11, Sheraton National Hotel, Arlington VA. EIS 2001 showcases the most effective strategies, solutions and best practices for improving environmental performance, regulatory compliance, industrial process redesign, product stewardship and environmental reporting. DOD rate: \$695. Workshop on Designing and Implementing Environmental Management Systems (EMS) for Federal Facilities and Bases September 12, Sheraton National Hotel, Arlington VA. Focuses on improving mission performance

through environmental management systems. Leading DOD and civilian agencies present installation level best practice case studies covering EMS implementation, activity based costing, and use of GIS-GPS technology. DOD rate: \$325. For details, http://www.performanceweb.org/divisions/environmental_performance/divisions_set.htm

Remediation Innovative Technology Seminar, October 2, Hilton Norfolk Airport, Norfolk VA; October 16 Renaissance Hotel Philadelphia Airport, Philadelphia PA; Oct. 18, Marriott Key Bridge, Arlington VA. Topics for this offering of the semi-annual Remediation Innovative Technology Seminar are: five-year reviews, management of secondary treatment trains, perchlorate, and knowledge exchange - source removal technologies. Register online at <http://erb.nfesc.navy.mil/support/rits/main.htm>

11th Annual DOD Recycling Workshop, October 15, Baltimore Convention Center, Baltimore Maryland. 11th Annual DOD Recycling Workshop will be held in conjunction with SWANA WASTECON '01. The schedule includes a plenary session, breakout sessions, individual service meetings, and new this year--free training opportunities. For comprehensive information and to download a registration form, visit <http://www.afcee.brooks.af.mil/dodrecyclingworkshop> nancy.carper@hqafcee.brooks.af.mil DSN 240-4964

Energy & Environmental Technologies Conference, October 16 -17, Atlantic City Convention Center, One Ocean Way, Atlantic City, NJ. EETC is dedicated to bringing industry and government agencies together to deploy the most innovative solutions available in the market today - the EETC will deliver the most comprehensive forum for awareness of future energy and environmental policy and its impact on technology. Contact: : 609-499-3600, F: 609-499-3647, E: info@eetech.org

NDIA Technical Symposium: Industrial Ecology in Support of the Transformation Environmental, Energy and Corrosion Topics , October 30-31, Morristown, NJ The Picatinny Chapter of the NDIA is sponsoring the 11th Environmental Symposium. The theme of the symposium is "Industrial Ecology in Support of the Transformation Environmental, Energy and Corrosion Topics " and will highlight major DOD, DOE, EPA and industry programs and initiatives supporting life cycle weapons systems environmental issues. The symposium will highlight topics impacting weapons systems modernization, re-capitalization and maintenance, business practices, corrosion protection, environmental technology, and life cycle assessment. The symposium will be of interest to government, industry and academia that are involved in either new weapons systems and product development, environmental technology demonstrations, environmental management and pollution prevention. For information check our website: <http://www.pica.army.mil/iec> Contact Donna Whittam, 973-724-4666

Navy Natural Resources Manager's Meeting Dec. 3-7 Monterey CA. Contact: Joe Hautzenroder, NAVFAC-ENN, Phone: 202-685-9331

Call for Papers/Exhibits/Poster Session for 2001 Navy/Marine Corps Water Program Managers' Conference, December 11-13, Wyndham San Diego at Emerald Plaza Hotel, 400 West Broadway, San Diego, CA. The conference will include all aspects of the Clean Water Act, Oil and Hazardous Substance Spill Prevention and Response Management Program and the Safe Drinking Water Act. Of particular interest to the conference planners are topics on industrial and naval experiences with respect to water quality management and control, pollution prevention, regulations, program management, operations, inspection and maintenance of pollution sources, monitoring/control equipment, pollution planning and response. Also "Good News Stories," "Lessons Learned," and "How-To" subjects are requested. For more information visit <http://web.dandp.com/water/>.

Call for Presentations! - 2002 Region III Federal Facility Colloquium to be held on May 13 -15, 2002 in Baltimore, Maryland. The 2002 Region III Federal Facility colloquium is soliciting presentations for our next conference. The theme for this colloquium is: "Sustainable Environmental Stewardship - New directions in protecting our environment, our resources and enhancing our mission". This is an excellent opportunity to discuss the latest regulatory directions, controversial issues and new approaches in solving environmental impacts of our mission. This colloquium is open to all Federal facilities in Region III. If you are interested in presenting an issue or topic please see the web site below and click on "call for presentations " The web site will allow you to submit your presentations electronically for consideration by the colloquium steering committee. The presentation abstracts are due by October 1. For more information visit website: <http://www.epa.gov/reg3esd1/fedfac/index.html>.

CONFERENCE INFO ON DENIX

DENIX has a web page dedicated to conference information:

<http://www.denix.osd.mil/denix/DOD/Calendar/display.cgi?5/1999>

TRAINING

Navy Introduces Interactive Multimedia Instruction (IMI)

The Navy works to provide its military and civilian employees high quality environmental training that is consistent with Navy policy at efficient cost. This year as part of the effort to reach as many Navy personnel as possible we will be introducing Interactive Multimedia Instruction (IMI). IMI will enable the Navy and the Interservice Environmental Education Review Board (ISEERB) schools to reach a much larger audience, and to provide tailored training modules as well as courses similar to those that currently exist. Find out more by visiting the CECOS web site at <http://www.cecocos.navy.mil>.

The Navy Environmental Training Program, the Interservice Environmental Education Review Board (ISEERB) and

the Air Force Institute of Technology (AFIT) are offering Air Quality Management courses and the Pollution Prevention Operations and Management courses in Norfolk in September of FY01. Contact Carolyn Neill or Marie Hollingsworth at 757-887-4641 or fax is 757-887-4478. Tentative dates and classrooms assignments for Norfolk have been made: Air Quality Management Course (AFIT ENV 531); September 4-7, NAVOSHENVTRACEN, Building V147, East Side Second Floor, Norfolk Naval Station Pollution Prevention Operations and Management (AFIT ENV 022); September 11-13 NAVOSHENVTRACEN, Building SP 17, Classroom 2, Norfolk Naval Station.

The following is the tentative 2001 schedule for the Accelerated Bioremediation of Chlorinated Solvents 2-day Training Course: October 23-24, 2001- New Orleans, LA Tentatively scheduled to take place at the Hilton Riverside Hotel in New Orleans, LA. December 4-5, 2001- Tampa, FL Tentatively scheduled to take place at the Wyndham Harbour Island Hotel Tampa, FL. Contact Victoria Nelson or Cloyce Brackett at 770- 242-7712, fax 770- 242-0421 or email nelson@sseb.org, brackett@sseb.org to register. For information on the course itself, please visit ITRC's website at www.itrcweb.org.

Advanced Environmental Restoration November 6-9, Norfolk, VA This course provides instruction on advanced technical, legal, and management tools needed to ensure remedial actions are: 1) protective of human health and the environment, 2) cost effective, 3) timely and 4) responsive to community reuse needs where applicable. This course includes topics such as Budget and Cost Estimating, Human Health and Ecological Risk Assessment, Risk Communication, Remedy Selection and Site Closeout. This course assumes attendees have a basic working knowledge of the Navy's Installation Restoration and related cleanup programs. For more information or to register, please go to www.cecos.navy.mil or fax 805-982-3070.

TRAINING INFO ON DENIX

DENIX has a web page dedicated to training information. With this one-stop resource you can find training by topic or by source, by any service of DOD or non-government. Go to www.denix.osd.mil/denix/DOD/Train